

### **Remarks**

Reconsideration and reexamination of the above-identified patent application, as amended, are respectfully requested. Claims 1-5, 8-20, and 23-28 are pending in this application upon entry of this Amendment. In this Amendment, the Applicant has amended claim 23. No claims have been cancelled or added in this Amendment.

#### **Allowable Subject Matter**

In the Office Action mailed June 6, 2006, the Examiner indicated that claims 1-5, 8-20, and 24-28 are allowed.

#### **Claim Rejections - 35 U.S.C. § 103**

The Examiner rejected independent claim 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,473,317 issued to Inomata et al. ("Inomata") in view of U.S. Patent No. 6,344,817 issued to Verzulli ("Verzulli") and U.S. Patent Application Publication No. 20020067826 issued to King ("King"). The Applicant respectfully traverses this rejection.

Amended independent claim 23 recites that the control logic controls the transmitter to transmit at least a portion of the sequence of activation signals in an order based on popularity of radio frequency activation schemes. Amended independent claim 23 further recites that "an average time until the appliance is activated is decreased" as a result of the portion of the sequence of activation signals being transmitted in an order based on popularity of radio frequency activation schemes.

The Examiner cited col. 5, lines 26-35 and 41-45 of Verzulli for teachings this recitation set forth in amended independent claim 23. The Applicant respectfully disagrees with the Examiner's position as this portion of Verzulli discloses that: a user initiates a seek

sequence which causes the remote control (10) to sequentially transmit to a remote controlled device (12) program codes corresponding to the on/off commands corresponding to each M/M (manufacturer/model) code contained in the remote control; upon the remote controlled device (12) receiving the correct M/M code, the remote controlled device turns off (if it was on) and then the user terminates the seek sequence which stops the remote control (10) from transmitting further program codes and causes the correct M/M to be stored in the remote control (10) for future use. As such, this portion of Verzulli does not teach or suggest transmitting a portion of a sequence of activation signals in an order based on popularity of radio frequency activation schemes as claimed.

In view of the foregoing, the Applicant respectfully submits that amended independent claim 23 is patentable under 35 U.S.C. § 103(a) over Inomata in view of Verzulli and King. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection to claim 23 under 35 U.S.C. § 103(a).

**Information Disclosure Statements**

The Applicant appreciates the Examiner's initialed Information Disclosure Statement (IDS) form contained in the current Office Action for the Applicant's IDS filed 3/16/06. The Applicant previously filed an IDS on 3/6/06 and an IDS on 12/28/05. The Applicant filed both of these latter IDS's after the initial Office Action mailed December 14, 2005 but prior to the current Office Action. There was no acknowledgment in the current Office Action that the Examiner considered these two latter IDS's. As such, the Applicant respectfully requests that the Examiner consider these two IDS's and provide initialed IDS forms indicative of same.

**CONCLUSION**

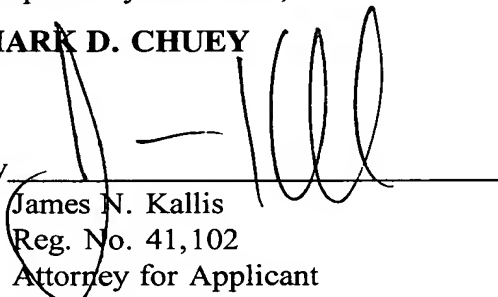
In summary, claims 1-5, 8-20, and 23-28, as amended, meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

**MARK D. CHUEY**

By

  
James N. Kallis  
Reg. No. 41,102  
Attorney for Applicant

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**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351